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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/818,699	03/27/2001	Doug L. Rollins	MTIPAT.187A	9926
20995 7590 08/07/2007 KNOBBE MARTENS OLSON & BEAR LLP 2040 MAIN STREET FOURTEENTH FLOOR IRVINE, CA 92614			EXAMINER NGUYEN, MINH DIEU T	
			ART UNIT 2137	PAPER NUMBER
			NOTIFICATION DATE 08/07/2007	DELIVERY MODE ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

jcartee@kmob.com
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Office Action Summary

Application No.

09/818,699

Applicant(s)

ROLLINS, DOUG L.

Examiner

Minh Dieu Nguyen

Art Unit

2137

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 7/17/2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) 2-4, 6, 9-11, 15, 16, 18 and 19 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1, 5, 7-8, 12-14, 17 and 20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 7/17/07 has been entered.
2. This action is in response to the communication dated 7/17/07 with the amendments to claims 1, 5 and 8 and the cancellation of claims 2-4, 6, 9-11, 15-16 and 18-19.
3. Claims 1, 5, 7-8, 12-14, 17 and 20 are pending.

Response to Arguments

4. Applicant's arguments dated 7/17/07 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 1, 5, 8, 12-13, 17 and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hanna et al. (7,178,021) in view of Pond et al. (4,864,616) in view of Simmons et al. (2001/0039659) and further in view of Fan et al. (6,310,692).

a) As to claims 1 and 8, Hanna discloses a method of transferring data over a computer network from a network server to a client computer system (Hanna: col. 1, lines 17-20), the method comprising: receiving a request by a requestor using a client computer system (Hanna: col. 5, lines 15-16) for data from at least one network server storing data, at least some of the data being encrypted (Hanna: col. 4, lines 16-21); if the requested data is encrypted with the encryption key, sending the encrypted data to the client computer system (Hanna: col. 5, lines 19-25).

Hanna is silent on the capability of checking an attribute of the requested data to determine whether the requested data is encrypted with an encryption key.

Pond is relied on for the teaching of checking an attribute of the requested data to determine whether the requested data is encrypted with an encryption key (i.e. the system checks to see if a banner is present, wherein a banner indicates if the file is protected, Pond: col. 3, lines 43-44; col. 8, lines 26-27).

It would have been obvious to one of ordinary skill in the art at the time of the invention to employ the use of checking an attribute of the requested data to determine whether the requested data is encrypted with an encryption key in the system of Hanna, as Pond teaches, so as to protect sensitive data files with proper labels (Pond: col. 1, lines 6-10).

The combination of Hanna and Pond is silent on the capability of if the requested data is unencrypted (see Pond), automatically retrieving the encryption key associated with the requestor from the client computer system; encrypting the requested data with the encryption key associated with the requestor automatically and without user intervention to create encrypted data; and sending the encrypted data to the client computer system.

Simmons is relied on for the teaching of automatically retrieving the encryption key associated with the requestor from the client computer system; encrypting the requested data with the encryption key associated with the requestor automatically and without user intervention to create encrypted data; and sending the encrypted data to the client computer system (Simmons: 0016, 0041, 0046).

It would have been obvious to one of ordinary skill in the art at the time of the invention to employ the use of automatically retrieving the encryption key associated with the requestor from the client computer system; encrypting the requested data with the encryption key associated with the requestor automatically and without user intervention to create encrypted data; and sending the encrypted data to the client computer system in the system of Hanna and Pond, as Simmons teaches, so as to securely protect transmitted data over a network.

The combination of Hanna, Pond and Simmons is silent on the capability of having the attribute alterable by a network administrator and sending a message to the requestor indicating that the requested data is not encrypted with their key when the encryption key used to encrypt the requested data is not associated with the requestor.

Fan is relied on for the teaching of having the attribute alterable by a network administrator (Fan: col. 4, lines 35-38) and sending a message to the requestor indicating that the requested data is not encrypted with their key when the encryption key used to encrypt the requested data is not associated with the requestor (i.e. notification is generated and transmitted, Fan: col. 5, lines 45-49. It is obvious that what is in the notification is purely the design choice).

It would have been obvious to one of ordinary skill in the art at the time of the invention to employ the use of having the attribute alterable by a network administrator and sending a message to the requestor indicating that the requested data is not encrypted with their key when the encryption key used to encrypt the requested data is not associated with the requestor in the system of Hanna, Pond and Simmons, as Fan teaches, so as to dynamically managing resources (Fan: col. 1, lines 8-12).

b) As to claim 5, the majority of this claim is in claim 1 with the addition of the following limitation: automatically generating independently of information from a network server a public encryption key and a corresponding private encryption key in a client computer system; storing the public encryption key and the corresponding private encryption key in the client computer system (Simmons: 0041). Pond discloses associating an attribute with a data file, the attribute indicating whether the data file is encrypted (Pond: col. 3, lines 43-44; col. 8, lines 26-27), and the attribute indicating an owner of the public encryption key (Hanna: col. 5, lines 4-6). Hanna discloses public and private encryption key where the data file is encrypted with public key (Hanna: col. 4, lines 53-57).

c) As to claims 12, 17 and 20, the combination of Hanna, Pond, Simmons and Fan discloses the method of claim 1, further comprising sending the requested data to the client computer system if the requested data is encrypted and the requestor is the owner of the encryption key (Hanna: col. 5, lines 19-25).

d) As to claim 13, the combination of Hanna, Pond, Simmons and Fan discloses the method of claim 1, wherein the encryption key is derived at least in part from an identification code (Pond: col. 5, lines 35-40).

7. Claims 7 and 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hanna et al. (7,178,021) in view of Pond et al. (4,864,616) in view of Simmons et al. (2001/0039659) in view of Fan et al. (6,310,692) and further in view of Eldridge et al. (6,094,721).

Hanna, Pond, Simmons and Fan do not explicitly disclose the public and private keys are based on a password.

Eldridge discloses a method and apparatus for updating the password status of one of more servers in a client/server environment comprising public and corresponding private key derived from password (Eldridge: col. 5, lines 33-46).

It would have been obvious to one of ordinary skill in the art at the time of the invention to employ the use of generating public and private key from a password as Eldridge teaches in the system of Hanna, Pond, Simmons and Fan so as to secure password access.

Conclusion

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Minh Dieu Nguyen whose telephone number is 571-272-3873.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Emmanuel Moise can be reached on 571-272-3865. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

9. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



mdn
7/26/07